

Town of Horicon

ZONING BOARD OF APPEALS

Minutes of August 26, 2008

Members Present: Priscilla Remington, Curt Castner, Gary Frenz, Dan Smith, Marion Luce, Alternates Cheryl Erickson, James Steen.

Others Present: Counsel to Boards Michael Hill, Zoning Administrator Gary McMeekin, Planning Board Member Georgia McMeekin

Guests Present: Debroah Newton, Lynn Keil, James Walas, Michael & Erin Hayes, Mick and Pat Butler, Tom Johanson, Alice Altieri, Mary Probst, J Bennet Farrell, Gail Kurpel, Thomas Ryan, Ted and Donna Schaap, Linda Pfeiffer, Jerry Byrne, Mike Raymond, Harry Katsch, Peter & H Beletti, Mark Carpenter, George & Judy Bertonneau, Bernadette Speech, Robert & Annette Ostrander, AJ Cavanaugh, David Boynton, Gail Frenz, Attorney Dan Smith and others.

Chairperson Priscilla Remington welcomed the new alternate members Cheryl Erickson and Jim Steen.

Michael Hill, Counsel to Boards addressed the audience stating that the board met prior to the meeting to review board procedures and no application was discussed.

PUBLIC HEARINGS:

File # 2008-22 AV Tax Map 19.4-2-4 Pfeiffer seeking a 50' shoreline setback and a 38' roadway setback variance to construct a deck on parcel located at 612 East Shore Dr. Linda Pfeiffer stated that they are requesting a deck and stairs to the beach due to safety issues with children. Warren County Planning Board recommended No County Impact with stipulation that deck was not to be used as a boat dock. Linda Pfeiffer stated that the deck would not be used as a boat dock. ZBA member Dan Smith questioned the applicant as to any future plans for a dock. Linda Pfeiffer stated that there are not plans to place a dock on the parcel. Being no further comments or questions, ZBA member Dan Smith made a motion to close the public hearing, 2nd by Gary Frenz. All Ayes

File # 2008-14 AV Tax Map 55.17-2-21 Altieri and Probst seeing a 52' shoreline setback a 46' roadway setback and a 5' side yard setback variance to build a small cottage on existing footprint of two (2) car garage, Parcel is located on Palisades Rd. Erin Hayes, representing the applicant explained the project stating that the applicant would like to convert the pre-existing garage into a one (1) bedroom cottage, not altering the footprint just changing the use. Continuing on to state that the mean high water mark is indicated on the map and over 100' from the building, an APA biologist visited the site on Aug., 18th determining that there were no wetlands on the parcel, found old growth trees suggesting that the deceased trees be removed, addressing the well location and the septic concerns. Gary McMeekin requested the board receive the information regarding the site visit from the APA. Erin Hayes stated that there are no flags, no wetlands on the parcel. Members of the audience spoke regarding the culvert, parking concerns and proposed septic running through the wet areas of the parcel. Erin Hayes stated that the Engineer accounted for the wet areas diverting the septic line away the wet area. Discussion ensued between the applicants representative and the audience regarding the wetlands, culvert, creation of the parcel and questions if the parcel was deemed unbuild able, traffic concerns such as speed, accidents and pedestrian safety and prior applicants denial of a variance. Gary McMeekin stated that he would like clarification that any wet areas that exist on the parcel are non-jurisdictional. Erin Hayes stated that the APA determined that the wet areas are non-jurisdictional. Brief discussion ensued regarding the applicants intention to live or sell the

parcel in question. Priscilla Remington requested that Gary McMeekin contact the APA and obtain their determination regarding any wetlands that may or may not exist along with contacting the DEC and County Highway Superintendent regarding the culvert situation. Curt Castner made a motion to continue the public hearing requesting Gary McMeekin obtain all necessary information from the APA, DEC and Warren County Highway Superintendent, 2nd by Marion Luce. All Ayes.

The Regular meeting of the ZBA was called to order by Chair Priscilla Remington.

UNFINISHED BUSINESS:

File # 2008-22 AV Tax Map 19.4-2-4 Pfeiffer seeking a 50' shoreline setback and a 38' roadway setback variance to construct a deck on parcel located at 612 East Shore Dr. SEQRA was reviewed by the board. ZBA member Dan Smith made a motion to declare a negative declaration, 2nd by Gary Frenz. All Ayes. ZBA member Dan Smith stated that this is a significant request but deck is modest in size. Gary Frenz added that there are steps and decks all along the East Shore Dr. ZBA member Dan Smith made a motion on approve the 50' shoreline setback and the 38' roadway setback variances as there will be no undesirable change to the character of the neighborhood or detriment to nearby properties as this fits with others in the area, the benefits sought be applicant cannot be achieved by other means, this is a substantial request but deck is modest in size, there will be no adverse effect or impact on the physical or environmental conditions in the neighborhood, the alleged difficulty was not self created, stating that access to lake is difficult in that area with the condition that the deck not be used as a dock, 2nd by Curt Castner. All Ayes.

File #2008-20 AV Tax Map 71.12-1-29 Pine Tree Properties LLC seeking a area variance for density to construct a multi-family townhouse unit on existing footprint located at 233 Palisades Rd. Mike Hill addressed the board stating that draft decisions were distributed to the board earlier and the board has not had time to review them suggesting that the SEQRA review be postponed until next month. Erin Hayes stated that the site plans and survey was distributed to the board showing that the proposed building will encompass the footprint of Briarcliff as stated on the application. Priscilla Remington made a motion to table this matter in order for the board to review the draft decisions, 2nd by ZBA member Dan Smith. All Ayes.

NEW BUSINESS:

File # 2008-26 AV Tax Map 20.13-1-14 Mark and Brenda Carpenter - seeking 4' side yard setback variance to remove existing shed and replace with a garage. Mark Carpenter explained the project. After a brief discussion ZBA member Dan Smith made a motion to deem the application complete, schedule a public hearing refer this to the Warren County Planning Board, not referring this to the Town Planning Board, 2nd by Gary Frenz. All Ayes.

File # 2008-27 AV Tax Map 89.5-1-7 William and Rose Eddy - seeking front yard and rear yard setbacks to build home with porch and deck on parcel located at 149 Duell Hill Rd. Attorney Dan Smith, representing the applicant explained the project stating that the old home was 33' and the new home would be 34'. Gary McMeekin stated that the survey submitted with the application is not to scale requesting that the applicants representative submit scaled plans in the future. Attorney Dan Smith stated that the new home is one foot (1') closer to the road.

Discussion ensued regarding a scaled map showing the variance requests and new footprint of home. ZBA member Dan Smith made a motion to deem the application complete, schedule a public hearing, requesting that applicant submit plans showing new building footprint over old building footprint with setbacks labeled, drawn to scale, 2nd by Curt Castner. All Ayes.

File # 2008-28 AV Tax Map 20.10-1-49 Eric and Karyne Aabel - seeking a 30' shoreline variance and a 25' roadway setback variance to reconstruct home, located at 835 East Shore Dr. Marion Luce questioned Harry Katsch (applicant's Father) if the new building would interfere with the siteview from the Lodges. Harry Katsch stated that it would not. ZBA member Dan Smith questioned Harry Katsch if the proposal is to totally remove the existing home. Harry Katsch stated that the existing home would be demolished and a new septic system would be installed. Brief discussion ensued regarding the existing 12 x 18 porch. ZBA member Dan Smith made a motion to deem the application complete, schedule a public hearing, refer to the Warren County Planning Board, not referring to the Town Planning Board requesting that the applicant initial the drawing concerning the existing porch indicating the dimensions, 2nd by Gary Frenz. All Ayes.

File # 2008-29 AV Tax Map 71.20-1-31 Frank Heidinger - seeking a 42' roadway setback and a 7' side yard setback to construct two (2) entrance pillars on parcel located at 6874 State Rte 8. (Mailbox enclosure). After a brief discussion, Gary Frenz made a motion to deem the application complete, schedule a public hearing, refer to the Warren County Planning Board, not referring to the Town Planning Board, 2nd by Marion Luce. All Ayes.

Board Privilege:

Discussion ensued regarding need for scaled drawings on each application, consistency.

Patricia (Eastman) Fish variance granted October 2006 subject to a thirty (30) month time limit. The variance will expire April 2009. Priscilla Remington suggested that a letter be written to the applicant.

Priscilla Remington stated that she would like a Thank You note sent to Gail Sirrine for her service to the board.

There being no further business before the board, Chair, Priscilla Remington adjourned the meeting at 10:00 PM

Respectfully Submitted.

Christine Smith-Hayes, Secretary

Note for the record: Letter received dated Aug 28th, 2008 from Peter Polimino, President of the Brant Lake Heights HOA withdrawing their application for variances for a multiple access dock system stating that Bob Olson or Olson Development Inc "ODI" are no longer authorized to represent BLHHA on any matter with the town.